



CITY OF DURHAM | NORTH CAROLINA

Date: April 23, 2012

To: Thomas J. Bonfield, City Manager
From: Karmisha R. Wallace, Assistant to the City Manager
Subject: 2012 Short Session Legislative Agenda

Executive Summary

In an effort to ensure that key issues impacting the city of Durham remain at the forefront of the N.C. General Assembly; the City Administration, in collaboration with the Durham City Council, develops an Annual Legislative Agenda. The Legislative Agenda generally includes resolutions as well as proposed statewide and local legislation. The City Council Legislative Committee met on April 16, 2012 to review the Proposed Legislative Agenda for the 2012 Short Session of the N.C. General Assembly, and the Proposed Agenda was presented to the City Council during their April 19, 2012 Work Session. The final 2012 Short Session Legislative Agenda has been revised to reflect the changes requested at, and subsequent to, the Work Session. The Council is being asked to take action on the revised 2012 Short Session Legislative Agenda.

Recommendation

Staff recommends that the City Council adopt the 2012 Short Session Legislative Agenda.

Background

Each year, the City Administration reviews various legislative issues that could impact the citizens and/or businesses of Durham. These issues are vetted amongst relevant City departments and stakeholders and are presented to the City Manager for further review and consideration; after which, proposals are presented to the City Council Legislative Committee. Staff met with the Committee on Monday, April 16, 2012 and discussed the following legislative proposals:

City Administration Local Bill

- An Act to Incorporate Statutory Bases for Making Assessments into City of Durham Charter Section 77 – “Flexibility with Assessments” (Public Works)

City Council Local Bill

- An Act to Establish a Minimum Presumptive Pretrial Bond for Firearms Offenses (Mayor Bell)

City Administration Statewide Bill

- An Act to Amend GS 115C-437 – “Collection of Civil Penalties” (Finance)

City Administration Statewide Resolution

- Resolution Supporting Change to State Legislation So That Local Road Projects are Treated Substantially the Same as State Road projects in the Falls Basin

Other

- Maintain Municipality's Flexibility with Debt Issuance (Finance)

The following item was added to the Proposed Agenda during the April 16, 2012 City Council Legislative Committee meeting:

Other

- Oppose Legislation that Attempts to Diminish or Remove the City's Authority to Impose a Privilege License Fee (Mayor Pro Tem Cole-McFadden)

The Proposed 2012 Short Session Legislative Agenda was discussed at the April 19, 2012 City Council Work Session; during which, the Council removed the following item from the Proposed Agenda based on feedback provided by the City Attorney's Office:

City Council Local Bill

- An Act to Establish a Minimum Presumptive Pretrial Bond for Firearms Offenses (Mayor Bell)

Subsequent to the Work Session, the Resolution regarding treatment of local road projects was also removed from the Proposed Agenda. According to the City Attorney's Office, the proposed legislation regarding local government transportation projects in the Falls Basin has been dropped at the request of the City of Raleigh due to concerns that likely amendments will fundamentally change the legislation. The item listed in the Proposed 2012 Short Session Legislative Agenda was:

City Administration Statewide Resolution

- Resolution Supporting Change to State Legislation So That Local Road Projects are Treated Substantially the Same as State Road projects in the Falls Basin

The complete 2012 Short Session Legislative Agenda is attached for review. The Durham City Council is scheduled to meet with the Durham Delegation on Friday, May 11, 2012 at 8:30 a.m. to formally present the City's 2012 Short Session Legislative Agenda, and the Short Session of the N.C. General Assembly will convene on Wednesday, May 16, 2012.

Issues/Analysis

There are no net changes in costs to the City or to property and business owners for any of the proposals in the Proposed 2012 Short Session Legislative Agenda. If the "Collection of Civil Penalties" legislation is passed, the City and Durham Public Schools Board of Education would negotiate and agree that the City could retain an amount higher than 10% and more closely tied to the City's actual, reasonable collections costs. This would allow the City to "break even" on collection costs and not lose money associated with hiring a third party firm to collect civil penalties and fees. This would also provide additional funds to Durham Public Schools while strongly encouraging property owners to pay their civil penalties.

Alternatives

City Council could disapprove the Proposed 2012 Short Session Legislative Agenda or modify it to include additional items of concern.

Financial Impact

There are no ongoing costs associated with the approval of the 2012 Short Session Legislative Agenda.

SDBE Summary

There are no SDBE requirements for the Legislative Agenda.